

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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UNITED STATES OF AMERICA,

-v-

RICARDO JAVIER MARTINO-SERRANO,

Defendant.

1:12-cr-844-GHW-7

ORDER

GREGORY H. WOODS, United States District Judge:

On April 27, 2015, the defendant was sentenced principally to a term of imprisonment of 200 months.

On March 27, 2024, the defendant filed a motion (the “Motion”) requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. Dkt. No. 493. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record in this case, and the Motion, pursuant to 18 U.S.C. § 3582(c)(2).


It is hereby ORDERED that the defendant is ineligible for this reduction for two reasons: First, because he did not have zero criminal history points. Second, because, while the defendant received an enhancement for committing the offense while under a criminal justice sentence, his criminal history category does not change as a result of the status point recalculation. His criminal history category remains VI because he is a career offender. As a result, the Motion is denied.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 493, and to mail a copy of this order, together with the Court's order filed at Dkt. No. 499, to Mr. MARTINO-SERRANO by first class mail.

SO ORDERED.

Dated: June 19, 2024
New York, New York



GREGORY H. WOODS
United States District Judge